

**MINUTES OF THE BOARD OF APPEALS OF THE CITY OF CUDAHY, WI.
HELD AT THE MUNICIPAL BUILDING, 5050 S. LAKE DR., CUDAHY, WI.
WEDNESDAY, DECEMBER 16, 2009**

ROLL CALL

Chairman Harry Savagian called the meeting to order at 6:30 PM with the following members present: Harry Savagian, Will Kaszuba, Kathy Wojtysiak, Jim Hooper, Neil Jensen, Glen Walters and Randy Pfeifer (alternate not voting).

OPEN MEETING STATEMENT

The proper open meeting statement was read.

Notice was given that petitioners will be given 10 minutes to make a presentation in support of their request before the Board. The supporters, if any would like to be heard, shall not exceed 20 minutes. All petitioners shall step up to the microphone and identify themselves and give their addresses before speaking. At the conclusion of statements from the audience the Board of appeals shall deliberate in open session toward a decision. Only members of the Board shall speak at that time and no further comments from the public shall be allowed.

APPEAL NO. 1: To hear the appeal of Carol Schmitz for property located at 5149 S. Swift Ave.

Type or Building Use: Residential **Zoning:** RD-2 PUD 1&2 Fam w/PUD **Key No:** 635-0133

Lot Size: 31' x 120' **Requested Variance:** Zero setback instead of five feet.

The reason for denial of approval/permit is as follows:

Cudahy Municipal Code Sec: 17.0504

- (3) Decks located less than 10 feet from the principal structure shall meet all the yard and setback requirements that apply to the principal structure.

17.307 (F) Setbacks and Yards

- (2) There shall be a sideyard on each side of all buildings of not less than five feet in width. Owner is requesting a zero setback.

James Herwig of JLH Construction was present representing homeowner Carol Schmitz. They would like to build a deck to City right of way. Code requires a five foot setback. They would like to build to east property line. The deck would be approximately 7 feet wide east to west. Chief Inspector Loferski addressed the issue of there not being a survey of the property. He stated that if a survey is presented, the appeal then could be approved. Alderperson Schissel spoke at this time and noted that the house is unique and awkward and that anyone that would like to increase value who properly appeals should be able to do so. She asked that the City help the property owners and not provide roadblocks and requested that the request be considered and that exception be made.

MOTION MADE BY JIM HOOPER, SECOND BY KATHY WOJTYSIAK to approve appeal and variance as requested with a suggestion to owner that they obtain a plat of survey. On the roll call vote, Will Kaszuba, Glen Walters, Jim Hooper, Neil Jensen and Harry Savagian voted "aye". Kathy Wojtysiak voted "no". Motion carried.

MOTION TO ADJOURN BY WILL KASZUBA, SECOND BY GLEN WALTERS @ 7:16 PM. Motion carried.

Submitted by: Neil Jensen, Secretary

12/16/09 - Board of Appeals